

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

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NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(PCT Rule 71.1)

Date of mailing
(day/month/year)

27.03.2006

Applicant's or agent's file reference
E-2504/04

IMPORTANT NOTIFICATION

International application No.
PCT/EP2004/053057

International filing date (day/month/year)
23.11.2004

Priority date (day/month/year)
24.11.2003

Applicant
G.D. SOCIETA' PER AZIONI

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international
preliminary examining authority:



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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

| | | | |
|--|--|--|----------------------|
| Applicant's or agent's file reference E-2504/04 | FOR FURTHER ACTION | | See Form PCT/PEA/416 |
| International application No. PCT/EP2004/053057 | International filing date (day/month/year) 23.11.2004 | Priority date (day/month/year) 24.11.2003 | |
| International Patent Classification (IPC) or national classification and IPC INV. G05B23/02 | | | |
| Applicant G.D. SOCIETA' PER AZIONI | | | |
| <p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau) a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> | | | |
| <p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p> | | | |
| Date of submission of the demand 04.08.2005 | | Date of completion of this report 27.03.2006 | |
| Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016 | | Authorized officer Kelperis, K Telephone No. +31 70 340-3515 | |



**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**International application No.
PCT/EP2004/053057**Box No. I Basis of the report**

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-10 as originally filed

Claims, Numbers

1-21 as originally filed

Drawings, Sheets

1/5-5/5 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2004/053057

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|-------------|-------------------|
| Novelty (N) | Yes: Claims | 3,5-10,12-21 |
| | No: Claims | 1-2,4,11 |
| Inventive step (IS) | Yes: Claims | 3,5-10,17-18 |
| | No: Claims | 1-2,4,11-16,19-21 |
| Industrial applicability (IA) | Yes: Claims | 1-21 |
| | No: Claims | |

2. Citations and explanations (Rule 70.7):

see separate sheet

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.

PCT/EP2004/053057

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following document/s/:

D1:US-B-6330525 (C.HAYS ET AL) 11 December 2001(2001-12-11)

D2:US-B-6370957 (A.FILIPPENKO ET AL) 16 April 2002 (2002-04-16)

INDEPENDENT CLAIM 1

Claims 1-10 are not supported by the description as required by Article 6 PCT, as their scope is broader than justified by the description and drawings. The reasons therefor are the following: The claims refer to an operating component of an automatic machine which is very broad whereas the description refers to a fan unit.

Further the terms "measurement relative to a characteristic quantity", "first and second value which are functions of the first and second measurement", "given reference data", "function of the combination of the comparison", used in claim 1, and "function of the time pattern" used in claim 4, are vague and unclear and leave the reader in doubt as to the meaning of the technical features to which they refer, thereby rendering the definition of the subject-matter of said claims unclear, Article 6 PCT.

The wording of claim 1 is very broad and vague in such a way that it does not give enough information to the person skilled in the art to implement the invention.

Further the present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

The document D1 discloses (the references in parentheses applying to this document):
A method for PREDICTIVE MAINTENANCE of an
operating component of an automatic machine;(column 10,lines 55-56)
the method acquiring a first and a second measurement relative to a first (figure 16,step 1610)
and, respectively, a second characteristic quantity of the operating component (figure 16,step 1616),
obtaining a first and a second value (V) which are
10 functions of the first and, respectively, second measurement, and to compare the
first and second value (V) with given reference data;(figure 16,steps 1610,1616)

the method being characterized by determining a specific defect of the operating component (figure 16,step 1618)
as a function of a combination of a comparison between the first value (V) and the given reference data with a comparison between the second value (V) and the given reference data, and/or as a function of a comparison between the given reference data and a combination of said first and second value (V);(figure 16,steps 1610,1616)
and programming maintenance to correct said defect, as a function of the combination of the comparison between the first value (V) and the given reference data with the comparison between the second value (V) and the given reference data, and/or as a function of the comparison between the given reference data and the combination of said first and second value
(figure 16,steps 1620-1618)

DEPENDENT CLAIMS 2,4,11

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 2,4,11 is not new in the sense of Article 33(2) PCT.
The subject matter of claims 2,4,11 is disclosed in D1 (see column 21,line 20-column 26,line 43)

DEPENDENT CLAIMS 14-15,19,21

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 14-15,19,21 does not involve an inventive step in the sense of Article 33(3) PCT.The additional features of claims 14.15,19,21 are disclosed in D2 (see column 2,line 33-column 5,line17)

DEPENDENT CLAIMS 12-13,20

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 14-15,19,21 does not involve an inventive step in the sense of Article 33(3) PCT.The features of claims 12-13,20 are merely some of several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to solve the problem posed.

DEPENDENT CLAIMS 3,5-10,17-18

**INTERNATIONAL PRELIMINARY
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(SEPARATE SHEET)**

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The dependent claims 3,5-10,17-18 meet the requirements of the PCT with respect to novelty and inventive step.